

021004

16179 U.S. PTO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE REQUESTED FILING OF RULE 1.53(B)  
CONTINUATION PATENT APPLICATION BASED ON  
THE FOLLOWING PENDING PRIOR PATENT APPLICATION:

031356 U.S. PTO  
10/775754

021004

In re Application of: David T. Chen et al.  
Serial No.: 10/104,256  
Filing Date: 03/21/2002  
Title: VIDEO-BASED SURGICAL TARGETING  
SYSTEM  
Group Art Unit: 3737  
Examiner: Runa S. Qaderi  
Attorney's Docket No.: MMS-25

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

FILING OF PATENT APPLICATION UNDER 37 CFR 1.10

The attached Rule 1.53(B) continuation application is being  
filed under the provisions of 37 CFR 1.10.

"EXPRESS MAIL" MAILING LABEL NUMBER **ER 645 632 321 US**

DATE OF DEPOSIT February 10, 2004

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED  
WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST  
OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE  
DATE INDICATED ABOVE AND IS ADDRESSED TO: COMMISSIONER  
FOR PATENTS, PO BOX 1450, ALEXANDRIA, VA 22313-1450.

Mark J. Pandiscio

(PERSON MAILING)

Mark J. Pandiscio 2/10/04

(SIGNATURE)

Respectfully submitted,

*Mark J. Pandiscio 2/10/04*

Mark J. Pandiscio  
Registration No. 30,883  
Pandiscio & Pandiscio  
470 Totten Pond Road  
Waltham, MA 02154  
Tel. (781) 290-0060

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

U.S. P.

Transmitted herewith for filing is the patent application of:

Inventor: David T. Chen et al.For: VIDEO-BASED SURGICAL TARGETING SYSTEM

Enclosed are:


- ☒ 9 sheets of drawings.  
☐ An assignment of the invention to: \_\_\_\_\_  
☐ A verified statement to establish small entity status.  
☒ REQUEST FOR FILING RULE 1.53(B) CONTINUATION APPLICATION.

The filing fee has been calculated as shown below:

Small Entity					Large Entity	
For:	No. Filed	No. Extra	Rate	Fee	Rate	Fee
Basic Fee				\$385.00		\$770.00
Total Claims	1 - 20	0	x \$ 9.00		x \$18.00	0.00
Ind. Claims	1 - 3	0	x \$43.00		x \$ 86.00	86.00
Mult. Claims			+ \$145.00		+ \$290.00	
					Total	\$770.00

- ☐ Please charge my Deposit Account No. 16-0221 to cover the filing fee and assignment recording fee. A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \$\_\_\_\_\_ to cover the filing fee (and assignment recording fee) is enclosed.
- ☐ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 16-0221. A duplicate copy of this sheet is enclosed.
- ☐ Any additional filing fees required under 37 CFR 1.16.
- ☐ Any patent application processing fees under 37 CFR 1.17.
- ☐ The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to **Deposit Account No. 16-0221**. A duplicate copy of this sheet is enclosed.
- ☐ Any patent application processing fees under 37 CFR 1.17.
- ☐ The issue fee set in 37 CFR 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR 1.311(b).
- ☐ Any filing fees under 37 CFR 1.16 for presentation of extra claims.

Respectfully submitted,

 2/10/04

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Sir:

REQUEST FOR FILING RULE 1.53(B) CONTINUATION APPLICATION

This is a request for filing a continuation application, in accordance with Rule 1.53(B), of pending prior application Serial No. 10/104,256, filed 03/21/2002 by David T. Chen et al. for VIDEO-BASED SURGICAL TARGETING SYSTEM.

Submitted with this request are the following:

1. A true copy of said prior application Serial No. 10/104,256 (including specification, claims, drawings, and an unsigned Declaration and Power of Attorney) as originally filed;
2. A copy of RESPONSE TO OUTSTANDING NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION - FILING DATE GRANTED, including a signed DECLARATION AND POWER OF ATTORNEY and a Duplicate Copy of Notice to File Missing Parts;
3. An AFFIDAVIT by the undersigned attorney of record verifying that the enclosed copy of said pending prior application Serial No. 10/104,256 is a complete and true copy;

MMS-25 CON

4. A PRELIMINARY AMENDMENT which amends the application to show that it is a continuation of pending prior U.S. Patent Application Serial No. 10/104,256, filed 03/21/2002 by David T. Chen et al. for VIDEO-BASED SURGICAL TARGETING SYSTEM (Attorney's Docket No. MMS-25);

5. A SUBMISSION OF FORMAL DRAWINGS; and

6. A mailing certificate indicating that this submittal is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on February 10, 2004 as provided for under 37 CFR 1.10.

The Power of Attorney in the pending prior application is to Pandiscio & Pandiscio, a firm composed of Nicholas A. Pandiscio, Registration No. 17293, Mark J. Pandiscio, Registration No. 30883, Scott R. Foster, Registration No. 20570, and James A. Sheridan, Registration No. 43114, or any of them, all of 470 Totten Pond Road, Waltham, MA 02451-1914 (Telephone No. 781-290-0060).

The inventors named in this continuation application are the same inventors named in the prior applications Serial No. 10/104,256.

The Commissioner is also authorized to prepare a certified copy of said prior copending application if the same is deemed to be necessary and to charge the cost of same to Deposit Account No. 16-0221.

A duplicate copy of this letter is enclosed for filing in said prior copending application.

All communications in this matter should be addressed to:

Mark J. Pandiscio  
Pandiscio & Pandiscio  
470 Totten Pond Road  
Waltham, Massachusetts 02154.

Thank you.

Respectfully submitted,

*Mark J. Pandiscio* 2/10/04

Mark J. Pandiscio  
Registration No. 30,883  
Pandiscio & Pandiscio  
470 Totten Pond Road  
Waltham, MA 02451-1914  
Tel (781) 290-0060  
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IN RE REQUESTED FILING OF RULE 1.53(B)  
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Attorney's Docket No.: MMS-25


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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

AFFIDAVIT VERIFYING APPLICATION

Commonwealth of Massachusetts  
County of Middlesex

I, Mark J. Pandiscio, being duly registered to practice before the U.S. Patent and Trademark Office, and being duly sworn, depose and state that: I am attorney of record in the above-identified pending prior application Serial No. 10/104,256, filed 03/21/2002, and that the enclosed application is a true and complete copy of the prior application Serial No. 10/104,256 as filed, and that no amendments referred to in the oath or declaration filed to complete the prior patent application Serial No. 10/104,256 introduced new matter therein.



Mark J. Pandiscio 2/10/04  
Mark J. Pandiscio  
Registration No. 30,883

Sworn to before me this 10<sup>th</sup> day of February, 2004.

Utsya Tole  
Notary Public  
My commission expires: 4/17/09

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Attorney's Docket No.: MMS-25

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

SUBMISSION OF FORMAL DRAWINGS

Enclosed herewith please find the formal drawings for the above-identified patent application, consisting of Figs. 1-12 on nine (9) sheets of drawings.

In the event that any fee is required to be paid in connection with the present submission of formal drawings, please charge the cost of the same to Deposit Account No. 16-0221. A duplicate copy of this letter is enclosed for the convenience of the Patent and Trademark Office.

Thank you.

Respectfully submitted,

*Mark J. Pandiscio* 2/10/04

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